



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Discussion and Appropriate Action Regarding 1) Placing a Ballot Measure Establishing Big-Box Size Limits on the November 2, 2004 Ballot 2) Establishing a Big-Box Size Limit for the Ballot Measure 3) Placing a Moratorium on Big-Box Retail Pending the Results of a November 2, 2004 Ballot Measure

MEETING DATE: April 7, 2004

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: That Council discuss and take appropriate action regarding 1) Establishing a ballot measure regarding big-box size limits on the November 2, 2004 ballot 2) Establishing a big-box size limit for the proposed ballot measure 3) Consider a moratorium on big-box retail pending the results of a November 2, 2004 ballot measure.

BACKGROUND INFORMATION: During the March 17, 2004 City Council meeting, Council and the public debated the merits of restricting, by size, big-box retail development in the City of Lodi. The outcome of the discussion resulted in the suggestion that an agenda item be placed on the April 7, 2004 Council agenda with the specific issue of whether or not to allow the voters in Lodi to vote, via a November 2, 2004 ballot measure, on big-box retail size restrictions.

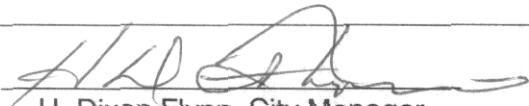
The Council will need to address the following issues as they relate to a proposed ballot measure:

1. Does Council want to take the big-box retail size restriction to the voters in November 2004?
2. If so, does Council want the size restriction to be established at no greater than 100,000 square feet?
3. If not, then what size?
4. Does Council want to impose a moratorium on big-box retail with a 100,000 square feet restriction until the voters take a position on the issue in November 2004?
5. If so, will this include remodel and expansions of existing retail stores?

Additionally, in order to place a ballot measure on the November 2, 2004 ballot, certain deadlines will need to be met by staff and the City Council. A resolution must be adopted by Council by July 21, 2004 and the staff report will be due to the City Clerk's Office by July 12, 2004.

Attached for Council's information are two documents: 1) Memorandum from the City Clerk's Office dated March 30, 2004 – Subject – Notice of Intention to Circulate Petition (Exhibit A) and 2) Voter Information Pamphlet Containing Measure L Contra Costa County (Exhibit B).

APPROVED:


H. Dixon Flynn, City Manager

FUNDING:

Not Applicable

A handwritten signature in black ink, appearing to read "Janet S. Keeter", written over a horizontal line.

Janet S. Keeter
Deputy City Manager

JSK/si
Attachments



MEMORANDUM
Office of the Lodi City Clerk

TO: City Council
Interim City Attorney
City Manager
Community Development Director

FROM: Susan J. Blackston, City Clerk

DATE: March 30, 2004

SUBJECT: NOTICE OF INTENTION TO CIRCULATE PETITION

The attached Notice of Intention to Circulate Petition was filed in my office on March 30. Payment of the \$200 fee for processing an initiative petition was also received in accordance with Resolution 98-28.

Pursuant to California Elections Code Section 9203 (a) the City Attorney has 15 days from the date the Notice of Intention was filed with the City Clerk to prepare a ballot title and summary. The proponents will then publish the notice, title, and summary in Lodi News Sentinel, after which circulation of the petition can commence. Signatures from a minimum of 10% of the registered voters in the City of Lodi must sign the petition for it to qualify for certification by the San Joaquin Registrar of Voters. As was reported to the Secretary of State's Office on March 2, 2004, the total number of registered voters in the City of Lodi was 26,332 (10% = 2,634).

Ms. Susan Blackston
City Clerk, City of Lodi
221 W. Pine St.
Lodi, CA 95240

RECEIVED
2004 MAR 30 AM 11:09

CITY CLERK
CITY OF LODI

March 30, 2004

To the Honorable Clerk of the City of Lodi:

Below is our notice of intention to circulate an initiative petition. We request that a title and summary of it be prepared by the city attorney. We further petition you to submit this measure to the city council for adoption without change or submission to the voters of the City of Lodi at the earliest regular or special election for which it qualifies.

NOTICE OF INTENTION TO CIRCULATE PETITION

NOTICE IS HEREBY GIVEN by the persons whose names appear hereon of their intention to circulate the petition within the City of Lodi. The petition proposes to amend the City of Lodi's zoning ordinance, Lodi Municipal Code, Title 17, to impose a maximum size limitation of 100,000 square feet upon all large-scale retail stores.

A statement of reason for the proposed action as contemplated is as follows: Lodi is confronted with increasingly larger scale retail stores and increasingly larger scale commercial development projects. These projects, and the likelihood of similarly large-scaled projects in the future, have raised concerns based on the hidden costs, economic, environmental, and social, these may have on the City of Lodi.

These include:

1. Costs of adverse traffic congestion and infrastructure,
2. Loss of trees, open space and farmland,
3. Displacement of locally owned small businesses,
4. Erosion or even elimination of Lodi's unique "small town atmosphere,"
5. Potential for urban blight,
6. Disruption of the City's policy to support the downtown as a retail and cultural area,
7. Pollution of air and water,
8. Increase in crime, and
9. Tendency for city services to cost more than income generated by tax revenue.

In order to protect the city from the adverse effects caused by the proliferation of large-scale retail stores and commercial projects, the measure provides as follows:

Lodi's Sensible Scale and Character Initiative

The people of the City of Lodi do hereby ordain as follows:

Section 1. Purpose and Findings.

A. Purpose. The purpose of this Initiative is to protect and preserve the existing community character and fabric, and promote the continuation of neighborhood/community commercial centers and the downtown commercial center. Also, the purpose of this Initiative is to ensure that the purposes and principles set forth in the City of Lodi's General Plan are fully considered by establishing sensibly scaled retail development and maintenance of the City of Lodi's unique character. This action recognizes that large-scaled retail stores affecting the city shall be subject to a public vote.

B. Findings. The people of the City of Lodi find that regulating size and bulk of retail stores, through this initiative, promotes the welfare, economy, and quality of life of the residents of Lodi, based upon the following:

1. Regulating Scale of Retail Stores Protects the Unique Character and Quality of Life in Lodi.

An important component of the City of Lodi is maintaining its unique character. Lodi's small-town and rural qualities are a valuable trait of the town. Large-scale retail stores detract from the community's character and aesthetics. Large retail stores are usually located some distance away from residential neighborhoods because they require large sites, which are usually found only in zones outside of the downtown area. Large-scale retail often consists of long, plain facades, a sea of parking, and sparse landscaping.

The unique character of the City of Lodi and the quality of life enjoyed by city residents and visitors depend on the protection of the small-town and rural qualities. The protection of such attributes aids the continued viability of the city and brings mental and physical benefits from the broad protection of Lodi residents' quality of life.

2. Strengthening Lodi's Economy.

It is important to have sensible scale retail stores in order to continue to strengthen and sensibly develop Lodi's existing economy. Lodi has a number of shopping centers providing the community with merchandise and services. Large-scale retail stores affect existing shopping centers by causing the existing stores to go out of business, thus destabilizing the shopping centers, and leaving empty, boarded-up buildings, which increase crime and blight. The surrounding area loses the merchandise and services offered by the existing businesses. Sometimes a large-scale retail company will close down an existing store, and replace it with a superstore, which also results in a large, empty store.

3. Ensuring Adequate Public Services for the City.

There are negative impacts to not having sensibly scaled retail stores, including safety. Large-scale retail stores require significantly higher commitment of police, fire, and public safety resources compared to smaller neighborhood stores. Usually large-scale stores fail to provide provisions for the pedestrians entering the store.

It is often dangerous even to walk from the parking lot to the entrance of the store, with cars driving and maneuvering in the very large parking area. The larger stores usually involve longer trips and generate more traffic in a concentrated area, and thus require improved street capacity in their immediate neighborhoods. The elderly, handicapped, and poor may not have access to larger retail stores because they are located at greater distances away from their neighborhoods due to the large land acquisition requirements of the larger retail stores.

C. Effect of Initiative. To achieve the above-stated purposes, this Initiative would amend the City of Lodi's Ordinance to establish a limit on large-scale retail stores that exceed 100,000 square feet of gross floor area. Also it would require that any project proposal that exceeds 100,000 square feet of gross floor area be subject to a public vote for approval.

Exhibits. This Initiative does not have any exhibits attached but relies upon the design standards for large-scale stores recently adopted by the City.

Section 2. Zoning Ordinance Amendments.

Whereas, the Lodi General Plan establishes a policy framework that forms the City of Lodi's strategy for retail; and

Whereas, the Lodi General Plan recognizes three distinct types of shopping centers – neighborhood/community commercial; general commercial; and downtown commercial; and

Whereas, the Lodi General Plan establishes policies encouraging promoting downtown Lodi as the City's social and cultural center and an economically viable retail and professional office district, it promotes locating future commercial retail in downtown Lodi and preserving the existing small-town scale and character of Lodi; and

Whereas, General Plan policies promote and encourage vital neighborhood commercial districts that are evenly distributed throughout the city so that residents are able to meet their basic daily shopping needs at neighborhood shopping centers; and

Whereas, the California Government code also provides that in order for the ordinance to be consistent with the General Plan, the various land uses authorized by the ordinance should be compatible with the objectives, policies, general land uses, and programs specified in the General Plan; and

Whereas, the Lodi zoning ordinance (Title 17 of the Lodi Municipal Code) has not kept pace with the evolution of the retail sector and fails to adequately distinguish the size, scale and scope of various retail activities; and

Whereas, an emerging national trend exists toward increasing the size of retail outlets and the diversity of products offered at such large-scale discount stores and discount superstores; and

Whereas, the establishment of discount stores in Lodi is likely to negatively impact the vitality and economic viability of the city's neighborhood community commercial and downtown commercial centers by drawing sales away from traditional retail stores located in these centers; and

Whereas, discount superstores adversely affect the viability of small-scale, pedestrian-friendly neighborhood commercial areas, contributing to blight in these areas; and

Whereas, given the city's current population of 60,000, there are currently adequate retail stores to support the

market for large-scale retail; and

Whereas, the proposed amendments to the zoning ordinance are intended to preserve the city's existing neighborhood-serving shopping centers that are centrally located within the community; and

Whereas, this distribution of shopping and employment creates a land use pattern that reduces the need for vehicle trips and encourages walking and biking for shopping, services, and employment; and

Whereas, a significant concern with large retail discount stores is that they combine neighborhood-serving retail in a more remote, regional-serving retail center which would result in the decline of neighborhood-serving retail stores by consolidating their activity in a single, outlying location; and

Whereas, the remote location of large retail discount stores means that local residents are forced to drive further for basic services such as groceries, and are forced to take longer and more frequent traffic trips to the regional commercial center to satisfy basic everyday needs, increasing overall traffic and overburdening streets that were not designed to accommodate such traffic; and

Whereas, the proposed amendments to the zoning ordinance, by limiting large-scale retail stores, will prevent the negative transportation and related air quality impacts that establishment of such stores is likely to have; and

Whereas, numerous local jurisdictions in the country and the State of California, taking all of the above considerations in mind, have enacted ordinances on new large retail stores over a certain size that either completely prohibit new retail stores over a certain size or require special impact studies; and

Whereas, California jurisdictions that have recently enacted such regulations to help sustain the vitality of small-scale, more pedestrian-oriented neighborhood shopping districts include the Cities of Turlock, Santa Maria, San Luis Obispo, Arroyo Grande, Oakland and Martinez; and

Whereas, a potential discount superstore would directly contravene the approach the city's General Plan established for retail; and

Whereas, the proposed regulations will place stricter controls on the establishment of, or conversion to large-scale stores and would prevent a large-scale store with potential negative environmental impacts from being established in Lodi, but will not itself generate environmental impacts or necessitate environmental review; and

Whereas, the adoption of these regulations does not approve any development project nor does it disturb the physical environment either directly or indirectly as the regulations modify the limitations of land use by limiting large-scale retail stores that exceed 100,000 square feet of gross floor area and require such projects be approved by the citizens' votes; and

Whereas, requiring voter approval of land use development of large-scale retail stores that exceed 100,000 square feet of gross floor area will ensure opportunities for full public participation in decisions affecting future land use, quality of life, and character of the City of Lodi.

NOW, THEREFORE, the City of Lodi hereby ordains that:

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is amended by the addition of Section

17.36.035, which shall read as follows:

“Retail structures in the C-1 district shall not exceed 100,000 square feet in gross floor area unless approved by public vote. For the purposes of this subsection, the term “gross floor area” shall include outside retail areas.”

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.39.035, which shall read as follows:

“Retail structures in the C-2 district shall not exceed 100,000 square feet in gross floor area unless approved by public vote. For the purposes of this subsection, the term “gross floor area” shall include outside retail areas.”

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Sections 17.36.036 and 17.39.036 which shall read as follows:

“Nothing in this Chapter shall give the City Council the authority to grant a variance from the provisions of 17.36.035 and 17.39.035 relating to the maximum size of structures in the C-1 and C-2 Districts.”

Section 3. Implementation.

A. Effective Date. As provided in Elections Code section 9217, this Initiative shall take effect ten days after the date on which the election results are declared by the City Council. Upon the effective date of this Initiative, the provisions of Section 2 of this Initiative are hereby inserted into the City of Lodi’s Planning and Zoning Code as an amendment thereof.

B. Interim Amendments. The City of Lodi’s Zoning Code in effect at the time the Notice of Intent to circulate this Initiative was submitted to the City of Lodi Elections Official on March 30, 2004 (“Submittal Date”), and the ordinances as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City of Lodi. In order to ensure that the City of Lodi’s Planning and Zoning remains an integrated, internally consistent and compatible statement of policies for the City as required by state law and to ensure that the actions of the voter in enacting this Initiative are given effect, any provision of the Planning and Zoning Code that is adopted between the Submittal Date and the date that the Planning and Zoning Code is amended by this measure shall, to the extent that such interim-enacted provision is inconsistent with the Planning and Zoning Code provisions adopted by Section 2 of this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the City’s Planning and Zoning Code.

C. Other City Ordinances and Policies. The City of Lodi is hereby authorized and directed to amend the Planning and Zoning Code, other ordinances, the General Plan, and policies affected by this Initiative as soon as possible and in the manner and time required by any applicable state law to ensure consistency between goals, objectives and policies adopted in Section 2 of this Initiative and other elements of the City’s Planning and Zoning Code, General Plan, all community and specific plans, and other City ordinances and policies.

Section 4. Exemptions for Certain Projects

This Initiative shall not apply to any of the following: (1) any project that has obtained as of the effective date of the Initiative a vested right pursuant to state or local law; (2) any land that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution

Section 5. Elections.

Except for the renewal or repeal of this Article, any direct or indirect costs to the City of Lodi caused by the elections mandated by this Article shall be borne by the applicants for the large-scale development project in excess of 100,000 square feet, unless otherwise prohibited by state law.

Elections mandated by this Article shall be consolidated with other elections, whenever feasible. Different proposals may appear on the same ballot at the same election provided that each separate proposal affecting a discrete property or development project shall be submitted to the voters as a separate measure.

Section 6. Severability and Interpretation.

This Initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative.

Section 7. Amendment or Repeal.

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Lodi.

Elizabeth M. Fiske

Elizabeth M. Fiske
727 S. Lee Ave.
Lodi, CA 95240

Glenda Hesseltine

Glenda Hesseltine
727 Brandywine Dr.
Lodi, CA 95240

Walter Pruss

Walter Pruss
2421 Diablo Dr.
Lodi, CA 95242

VOTER INFORMATION PAMPHLET

Containing

MEASURE L

CONTRA COSTA COUNTY

TUESDAY, MARCH 2, 2004

Arguments in favor of or against the proposed measure are the opinions of the authors.

[CCC LOGO]

ALL STYLES

**ORDINANCE MEASURE L
CONTRA COSTA COUNTY**

Shall the Large-Scale Retail Businesses Ordinance, Contra Costa County Ordinance No. 2003-18, be adopted?

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF
ORDINANCE MEASURE L**

The Contra Costa County Board of Supervisors passed the Large-Scale Retail Businesses ordinance (Ordinance No. 2003-18) on June 3, 2003. Later, a referendum petition protesting the ordinance was presented to the Board of Supervisors. Since the petition contained the required number of voter signatures, the ordinance did not become effective. The Board of Supervisors then had to decide whether to repeal the ordinance entirely or submit the ordinance to the voters of the County. On October 7, 2003, the Board of Supervisors decided to submit the ordinance to the voters of the County.

This ballot measure asks voters whether the Large-Scale Retail Businesses ordinance should be adopted. The ordinance will become effective if a majority of voters voting on the measure favor the ordinance. If the ordinance becomes effective, it will only be effective in the unincorporated areas of the County, not in the cities.

The Large-Scale Retail Businesses ordinance prohibits any large-scale retail business from devoting more than 5 percent of its total sales floor area to the sale of non-taxable merchandise. The ordinance includes definitions of key terms. A large-scale retail business means "a retail business with more than 90,000 square feet of gross floor area," but "does not include wholesale clubs or other business establishments that charge membership dues or otherwise restrict merchandise sales to fee-paying customers." The sales floor area "includes only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space." Non-taxable merchandise "includes products, commodities, or items not subject to California state sales tax."

According to the Large-Scale Retail Businesses ordinance, its purpose "is to limit the negative impacts of large-scale retail businesses on traffic circulation, land use patterns, and the economic and social health of neighborhood commercial areas, by prohibiting large-scale retail businesses from devoting more than 5 percent of their total sales floor area to the sale of non-taxable merchandise."

A “yes” vote is a vote in favor of adopting the Large-Scale Retail Businesses ordinance.

A “no” vote is a vote against adopting the Large-Scale Retail Businesses ordinance.

**ARGUMENT IN FAVOR OF
ORDINANCE MEASURE L**

In order to prevent increased traffic congestion, protect the County’s remaining open space and agricultural lands, and to prevent unplanned growth, the Board of Supervisors adopted this ordinance to place reasonable restrictions on large scale “big box” retail stores larger than 90,000 square feet. This ordinance does not apply to cities but only to those areas of our County where open space and agricultural lands are most at risk.

Corporate interests from outside California are trying to block this ordinance.

Traffic congestion in the County continues to overburden our existing streets and roads, diminishes economic productivity, our quality of life, and our environment. Unplanned growth and sprawl continues to consume our County’s increasingly scarce open space and agricultural lands.

The Institute of Transportation Engineers has determined that “big box” retail stores larger than 90,000 square feet – the size of five football fields – that sell large volumes of non-taxable grocery items generate substantially more daily traffic than typical neighborhood-serving supermarkets, standard discount retail stores, and wholesale warehouse club stores. These businesses also consume as much as 20 acres of land, including a parking lot for over 1,000 cars – five times as much as a typical supermarket.

As a result, these businesses impose higher costs on the County than other retail businesses, in the form of increased traffic congestion, strained roadway infrastructure, and loss of open space, while generating little additional sales tax revenues to offset these costs. We seek to limit the negative impacts of such stores by placing reasonable size restrictions on them.

These restrictions apply only to retail stores greater than 90,000 square feet that devote more than 5 percent of floor space to the sale of non-taxable items. This ordinance won’t affect standard supermarkets, discount stores, and warehouse clubs.

Contra Costa County Board of Supervisors

Mark DeSaulnier, Chair
Board of Supervisors

John Gioia, Member
Board of Supervisors

Federal Glover, Member
Board of Supervisors

Millie Greenberg, Member
Board of Supervisors

**REBUTTAL TO ARGUMENT IN FAVOR OF
ORDINANCE MEASURE L**

If the Board of Supervisors cared about growth, why did they write an ordinance that would apply to only stores like Wal-Mart Supercenters but not all of its competitors?

Because Measure L isn't about growth. It isn't about traffic. It's about politics.

Caving into pressure from labor unions that have a dispute with Wal-Mart, the Supervisors wrote Measure L for the **sole purpose of preventing Wal-Mart from opening a Supercenter in unincorporated areas of Contra Costa County.**

Stores like Wal-Mart Supercenters actually reduce the number of traffic trips because consumers can get all their shopping done in one place instead of driving to several stores. The ability to get all your shopping done at one time at a Wal-Mart Supercenter would be a big help for working parents AND reduce traffic.

Measure L would also **hurt working families** in Contra Costa County who depend on Wal-Mart's low prices and seniors who benefit from their lower prescription drug prices.

And by limiting competition, **Measure L takes away our basic right to choose where to shop.**

Consumers, not politicians, should decide whether Contra Costa County has a Wal-Mart Supercenter.

Measure L's restrictions apply only to stores like Wal-Mart Supercenters. Not to Costco. Not to Home Depot. How does that protect agricultural land? It doesn't.

Local government has no business writing laws that discriminate. **It is wrong and so is Measure L. Please vote NO.**

Charlie Abrams
Mayor of Walnut Creek
and traffic engineer

Dave Hudson
San Ramon Vice Mayor

Susan M. Rainey
Walnut Creek City Council

Ronald E. Leone
Director, Mt. Diablo Health Care
District

Arne Simonsen
Antioch City Councilmember

**ARGUMENT AGAINST
ORDINANCE MEASURE L**

Should consumers be allowed to choose whether or not they wish to shop at Wal-Mart?

Of course they should. But our County Supervisors disagree.

The ordinance proposed by County Supervisors is not about controlling growth. **It's about politics.**

The restrictions of this highly unfair ordinance apply only to stores like Wal-Mart Supercenters, and not to stores like Costco and Home Depot. How does that control growth?

Why did the Supervisors propose this ordinance? Because they were pressured by unions who want to organize Wal-Mart employees.

Unions shouldn't use local ordinances that limit competition and consumer choice in their fight against Wal-Mart.

And it is just plain wrong for local politicians to write laws that discriminate.

Regular zoning laws already apply to the location of large retailers. Besides, we should let consumers decide where to shop, not politicians.

Not everyone can afford to shop at fancy department stores. Many working families depend on Wal-Mart's low prices, and seniors benefit from their lower prescription drug prices.

What's more, the ability to get all your shopping done in one place like a Wal-Mart Supercenter is a big help for working parents.

When a new Wal-Mart Supercenter opens in a community, it typically

creates 500 new jobs and generates at least \$500,000 in new sales tax revenue.

In today's economy, why are the Supervisors discouraging new businesses?

This issue is not just about shopping at Wal-Mart. It's about the right to shop where you choose.

Consumers, voting with their feet and pocketbooks, should make those choices. Not politicians.

The Board of Supervisors is practicing the worst kind of special interest politics when it proposes an ordinance that applies to stores like Wal-Mart Supercenters, but not all of its competitors.

This ordinance is not about growth. It's about politics.

It's not fair. And it's wrong. Vote NO.

James W. Conley
Antioch City Councilman

David E. Hudson
San Ramon Vice Mayor

John T. Nejedly
Contra Costa Community College District Trustee

Susan M. Rainey
Walnut Creek City Council

Charlie Abrams
Mayor, City of Walnut Creek

**REBUTTAL TO ARGUMENT AGAINST
ORDINANCE MEASURE L**

Measure L is about protecting our quality of life. It's not about Wal-Mart or the unions.

We have a history in Contra Costa County of **locally controlling how we grow** and prosper. It's what makes Contra Costa County an attractive place to live and work.

If we are to maintain our quality of life we must maintain our power to make land use decisions.

We can't allow company executives in other states to make choices for us. Their bottom line is profits, not the well-being of our community.

Big box superstores that sell groceries generate substantially more traffic than typical supermarkets -- as many as 4,000 additional car trips per day. This increases congestion on our already over-crowded roadways.

These superstores consume huge amounts of open space. **This ordinance would protect the last remaining open spaces and agricultural lands in our County.**

Big box superstores hurt local small businesses and destroy more jobs than they create. For every one superstore that opens, two supermarkets close.

Don't be fooled by Wal-Mart's claim of \$500,000 in new sales tax revenue. Superstores don't generate new tax revenue or jobs, they take it away from existing local businesses that anchor vibrant neighborhood shopping areas.

Keep the power in your hands. Vote yes on Measure L to keep local control.

Congressman George Miller

Rev. Phil Lawson,
President, NAACP, Hercules-Pinole-Crockett-Rodeo Branch

Maria Alegria
Executive Director, Faith Works
City Council Member, Pinole

Arnold Kasendorf
President, American Association of Retired Persons (AARP), Richmond Chapter

Greenbelt Alliance/People for Open Space

**FULL TEXT OF
ORDINANCE MEASURE L**

ORDINANCE NO. 2003-18

LARGE-SCALE RETAIL BUSINESSES

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance adds Chapter 82-38 to the County Ordinance Code to prohibit large-scale retail businesses from devoting more than 5 percent of their total sales floor area to the sale of non-taxable merchandise.

SECTION II. Chapter 82-38 is added to the County Ordinance Code, to read:

**Chapter 82-38
LARGE-SCALE RETAIL BUSINESSES**

82-38.002 Purpose. The purpose of this ordinance is to limit the negative impacts of large-scale retail businesses on traffic circulation, land use patterns, and the economic and social health of neighborhood commercial areas, by prohibiting large-scale retail businesses from devoting more than 5 percent of their total sales floor area to the sale of non-taxable merchandise. (Ord. 2003-18 § 2.)

82-38.004 Definitions. As used in this chapter, the following terms have the following meanings:

- (a) "Large-scale retail business" means a retail business with more than 90,000 square feet of gross floor area. "Large-scale retail business" does not include wholesale clubs or other business establishments that charge membership dues or otherwise restrict merchandise sales to fee-paying customers.
- (b) "Non-taxable merchandise" includes products, commodities, or items not subject to California state sales tax.
- (c) "Sales floor area" includes only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space. (Ord. 2003-18 § 2.)

82-38.006 Prohibition. No large-scale retail business shall devote more than 5 percent of its total sales floor area to the sale of non-taxable merchandise. (Ord. 2003-18 § 2.)

82-38.008 Duty of owner and operator. Every owner and operator of a large-scale retail business shall maintain the business in accordance with the provisions of this chapter and is liable for violations of this chapter regardless of any contract or agreement with any third party concerning the business. (Ord. 2003-18 § 2.)

82-38.010 Enforcement. If a violation of this chapter occurs, the County may seek compliance by any remedy allowed under this code and any other remedy allowed by law. (Ord. 2003-18 § 2.)

SECTION III. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on June 3, 2003, by the following vote:

AYES: Supervisors Gioia, Glover and DeSaulnier
NOES: None
ABSENT: None
ABSTAIN: None Supervisor Uilkema recused herself from the vote
District III Seat VACANT

ATTEST: JOHN SWEETEN, Mark DeSaulnier
Clerk of the Board of Supervisors Board Chair
and County Administrator

By: Danielle Kelly
Deputy

Question Analysis: Final Draft
(From DataCycles Survey of Lodi Residents, March-April, 2004).

To what extent do you approve of 'big box', large-scale retailers entering Lodi? (E.G. SUPERWALMART, COSTCO)

Overall Respondents (Both surveys)	Responses	% Response
Strongly approve	454	30.1%
Somewhat approve	233	15.4%
I'm neutral about it	205	13.6%
Somewhat disapprove	184	12.2%
Strongly disapprove	433	28.7%
Participants responding: 1509	1509	100.0%
Average score: 3.1		

Utility Customers (General Survey)	Responses	% Response
Strongly approve	216	29.3%
Somewhat approve	113	15.4%
I'm neutral about it	104	14.1%
Somewhat disapprove	80	10.9%
Strongly disapprove	223	30.3%
Participants responding: 736	736	100.0%
Average score: 3.0		

Voter Registration Panel (Random Selection)	Responses	% Response
Strongly approve	235	30.6%
Somewhat approve	118	15.4%
I'm neutral about it	101	13.2%
Somewhat disapprove	104	13.6%
Strongly disapprove	209	27.2%
Participants responding: 767	767	100.0%
Average score: 3.1		

Background: Residents responded to this question in the context of the overall survey, which was to help the City prioritize services due to budget shortfalls. Residents were asked to keep in mind the City's need to cut expenses or find new revenue when filling out the survey. Therefore, some respondents may have indicated approval of 'big-box' retail to the extent that they connected the addition of a 'big-box' retailer in Lodi to increased tax revenue for the City. Secondly, residents were asked about 'big-box retail in a generalized, conceptual question, without regard to the type, size, or location of any proposed new retail. It is possible that the approval scores would drop if the respondents knew the exact location(s) of any proposed sites, as there might be a subset of respondents who approve of these retailers but not at the proposed location(s). It is unlikely that respondents who do not approve of these retailers in a general sense would change their minds based on specific information, such as location. DataCycles could, at the City's request, re-survey those who responded to this question, asking them if they approve based on a specific location or any other specific qualifying information. Results would be available in 24-48 hours.

Analysis: Overall, respondents are divided between approval and disapproval (45.5% approve – 40.9% disapprove), with a large number (13.6%) being neutral about the issue. Given the limited amount of information presented in the question, coupled with a relatively even split on the issue and a significant number of respondents in the 'neutral' category, it is impossible to predict how residents would feel if offered more specific, qualifying information. Older respondents (65+), which represented 35% of total response, are less in favor of 'big-box retailers (38% approve – 44% disapprove, 18% neutral), and those who have lived in Lodi for more than 20 years are slightly more disapproving than those who have lived in Lodi fewer years. Conversely, respondents living in Lodi for 10 years or less are more supportive (53% approve – 35% disapprove, 12% are neutral), as are those who are younger than 65 (50% approve – 40% disapprove, 11% neutral). The 13.6% of respondents that answered "I'm neutral about it" are more similar to those who disapprove versus approve, in that they are older and have lived in Lodi longer. However, the fact that they share some demographic similarity with those who disapprove of 'big-box' retailers entering Lodi does not imply that they would go in that direction if pressed for a for-or-against opinion.

Conclusion: To the extent that the City would like to understand further resident opinion about this issue, DataCycles could efficiently re-survey the participants who answered the original question while providing additional information.

Information that might assist in making a more informed opinion:

1. The proposed location of the specific project and other locations if multiple sites are available for consideration.
2. Summary of the environmental impact (including traffic) of the proposed retail site.
3. Summary of the economic impact of the proposed new retail site (estimated net job gain or loss, estimated annual additional tax revenue, potential impact on other Lodi businesses, risk factors, etc.)

ITEM I-5

All of the attached communications pertain to the issue of “Big-Box” size limits and were received subsequent to Council Members’ mail delivery on Tuesday, April 6.

(Excerpt from City Clerk’s procedure for handling Council Communication – related to the definition of “Blue Sheets”.)

“Blue Sheets”

Communication to the City Council pertaining to an item on the current agenda that was received after the last mail delivery to Council Members, is copied on blue paper with the corresponding agenda item number identified at the top right corner. This communication is placed on the Council dais alongside the agenda for review by Council Members prior to the item discussion. Blue sheets are also distributed to the City Manager, City Attorney, other affected departments, the press table, and are included in the “blue sheet” binder on the public information table in the Carnegie Forum on the day of the meeting.

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, April 07, 2004 3:10 PM
To: 'Sue and Olen McCombs'; ityclrk@lodi.gov; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam; Richard Prima; Jerry Adams
Subject: RE: BIG BOX STORE

Dear Sue McCombs:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, 3) Community Development, 4) Public Works, and 5) Police Department.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Sue and Olen McCombs [mailto:olen-sue@softcom.net]
Sent: Wednesday, April 07, 2004 10:04 AM
To: ityclrk@lodi.gov; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen
Subject: BIG BOX STORE

I am for the Wal Mart Superstore. I have been to a Wal Mart Superstore and they are roomy and easier to shop than the current, crowded location where aisles are crowded and parking hard to find at busy times. I have also been to a Super Target which is a great store. I am also against arbitrary size limits which I feel would create this same issue in the future. Why not limit the size of other types of businesses if we are going to call for size limits. They also pave over farmland.

I have already sent the following comments to John Beckman regarding the opposition, so I am repeating them for this memo.

1. The loss of trees, open space and farmland:

285 acres will be annexed for houses and are covering "farmland". Wal Mart is only a small area compared to the new annexation

2. Traffic congestion:

1700 homes will add more to congestion than a new Wal Mart. The additional traffic will not create a major complication from Wal Mart.

Obviously we hope all roads will be improved to compensate both the annexation and Wal Mart.

3. Displacement of locally owned businesses:

No more than Food 4 Less and Safeway have already done.

How about the new grocery on Cherokee Lane featuring Mexican foods. Isn't it going to put some mom & pop stores out of business? I don't hear complaints about that.

4. Erosion of Lodi's unique small-town atmosphere ;

Adding to a commercial corner will not ruin the residential or downtown areas.

After the annexation we will be 62,000 plus population. Either we have the stores available in Lodi or we shop in Stockton just as we have had to do with Lowe's and Home Depot and as many will do when the Stockton Wal Mart Super Store is built.

5. Disruption of the city's policy to support the downtown as retail and cultural area:

Does the current Wal Mart sell the same things that downtown sells?

The new Wal Mart will not have a theater or MooMoos or any new competition for downtown.

6. Increase in crime:

Are they saying that a new Wal Mart will cause more crime than the new 1700 homes?

7. Tendency for city services to cost more than income generated by tax revenue.

Explain to me how this would happen!

If every request for a large store had to come before the voters, we would have this same situation. There are always people against everything these days and that would be no exception.

Sue McCombs

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, April 07, 2004 11:09 AM
To: 'Lisa Lewis'; Larry Hansen
Cc: John Beckman; Emily Howard; Keith Land; Susan Hitchcock; Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam
Subject: RE: Walmart superstore

Dear Lisa Lewis:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Lisa Lewis [mailto:firefamily@softcom.net]
Sent: Wednesday, April 07, 2004 11:06 AM
To: Larry Hansen
Cc: John Beckman; Emily Howard; Keith Land; Susan Hitchcock
Subject: Walmart superstore

I am unable to attend the city council meeting tonight, to discuss the Walmart supercenter. However, I do want to take a quick moment to voice my favor for the store! Please do not deny the people of Lodi the right to choose where we shop!
Thank you,
Lisa Lewis

Jennifer Perrin

From: Jackie Taylor
Sent: Wednesday, April 07, 2004 1:09 PM
To: City Council
Subject: Support of WalMart

Susan Hitchcock, Mayor Hansen, and all Council Members:

I understand Council will be discussing the WalMart issue during the Council meeting tonight. While I cannot get to the meeting tonight due to a recent surgery, I wanted to let Council know my feelings as a resident and citizen of Lodi.

I'm all for the proposed WalMart and I support the current WalMart. There are too many shops in this town that close early, open late, or do not open at all on Sundays. We have a better quality of life when we have the freedom to choose when and where we want to shop. WalMart offers a great variety of items at very good prices, offering everyone an opportunity to enjoy a better quality of life. WalMart provides great tax benefits to Lodi too. We can't afford to turn away a group that hires people in our community, provides tax support to our community, and gives to charities and supports our community.

Thank you for your time and consideration.

Connie Errington

Jacqueline L. Taylor, CMC
Deputy City Clerk
PO Box 3006 - 221 W. Pine Street
Lodi, CA 95240 (209) 333-6702

RECEIVED

APR - 7 2004

City Clerk
City of Lodi

Ms. Angie Dados-Melas
1101 Junewood Drive
Lodi, Ca. 95242
(209) 369-9260

April 7, 2004

To All Members of:
Lodi City Council
Lodi City Manager
Lodi City Attorney
121 W. Pine Street
Lodi, Ca. 95240

To all parties;

The photo copy enclosed on the reverse is for your benefit. The Wal-Mart statements of truth are from the book:

Title:	Thieves in High Places
Author:	Jim Hightower
Publisher:	Penguin Group
Copyright:	2003
Reference Pages:	190 & 191
Sub-Section:	Dead Pheasants

Aside from this, have you taken under consideration the existing established businesses such as; Raleys, Safeway, Food For Less, Albertsons, Food Mart & Ace Hardware. Have you not learned from the closures of; Henderson Brothers Hardware when you allowed Orchard Hardware & Supply to come in, or the many Mom & Pop shops of our community that had to close after you allowed the existing Wal-Mart to come in. Are you that greedy or ignorant, that you can not or wish to not be concerned with the welfare of your constituents? Are you that far in debt from your poor judgment that you can not see this will create additional hardship to the citizens of this community. Pull your head out of the clouds. You are on the council to provide good sound judgment for the betterment of the community, not to inflate your personal ego's and pocket books.

In closing, we do not or want a "Super Wal-Mart"!

Sincerely,

Angie Melas

<input checked="" type="checkbox"/> CC	<input type="checkbox"/> HR
<input checked="" type="checkbox"/> CM	<input type="checkbox"/> IS
<input checked="" type="checkbox"/> CA	<input type="checkbox"/> LIB
<input type="checkbox"/> CD	<input type="checkbox"/> PR
<input type="checkbox"/> EUD	<input type="checkbox"/> PD
<input type="checkbox"/> FIN	<input type="checkbox"/> PW
<input type="checkbox"/> FD	<input type="checkbox"/> COM

- The few women who have become store managers are paid an average of \$16,400 a year less than the men. In Wally World, women quickly hit the glass ceiling and are then asked to Windex it. Cases abound of women who have had to train the men promoted above them.

Then there's an especially irksome practice that has really stirred up the rank and file. It's called "off the clock," which might sound like a TV game show, but it's a way for Wal-Mart to get overtime work out of its employees and—BONG! HERE COMES THE GAME—not pay them.

DEAD PEASANTS

Stopped by the cops for a traffic violation in the 1940s, New York City mob boss Lucky Luciano was asked to explain why the backseat of his car was filled with guns and ammo:

"We just got back from hunting," said Lucky.

"What were you hunting?"

"Oh, peasants?"

"Pheasants?"

"Yeah, that's right, pheasants."

Apparently, Wal-Mart has been taking lessons from Lucky, for it's been a leader among corporations engaged in an elaborate, money-grubbing scheme called Dead Peasants life insurance. Under some state laws, the corporation can take out up to \$750,000 worth of life insurance on a single employee—without ever telling the employee.

The macabre aspect of this is that the policy is not for the worker, but for the corporation! When the worker dies, the insurance money goes to the corporation, while the family of the deceased doesn't get a dime or even know that such a policy existed.

When Douglas Sims died suddenly of a heart attack in 1998, for example, Wal-Mart quietly pocketed \$64,000 from a Dead Peasant

policy it had taken out on him. His widow, Jane, got nothing and knew nothing. When she later learned about it, she told a *Houston Chronicle* reporter: "I never dreamed they could profit from my husband's death."

(Am I the only one to notice that this scheme could make an employee worth more to the company dead than alive?)

The laws say the employees are supposed to give their consent, but it turns out that you can consent without knowing it, for it can be buried in the legalese of an employment form you sign—there's no requirement that the company actually tell you what you're signing.

Wal-Mart has taken out some 350,000 of these policies on employees, buying them from Hartford and AIG insurance companies. Its green-eyeshade accounting whizzes even jiggered the deal so Wal-Mart could get a tax deduction on the premiums. The company hires a firm to run sweeps of Social Security numbers—called "death runs"—every quarter to find out who has died, then it submits those names to the insurers . . . and collects.

A Wal-Mart spokesman told the *Chronicle*: "The company feels it acted properly and legally in doing this."

Some of the "peasants" have rebelled, however, filing lawsuits from Texas to Maine. Wal-Mart is fighting them in court, but because of the workers' suits and bad publicity, it says it has now stopped buying Dead Peasant policies.

Now we're having fun. When workers—I'm sorry, "associates"—finish their shifts, it's common for managers to tell them to go ahead and clock out, but assign them to do this or that before going home, taking an extra hour or two a day or more.

"I would work ten or fifteen hours a week off the clock," Liberty Morales told a reporter for Bill Moyers's *Now* show on PBS. She's a mother of three and worked for Wal-Mart in Texas. Instead of going home to her kids, she'd sometimes have to spend an extra few hours

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, April 07, 2004 9:24 AM
To: 'David W'; John Beckman; Larry Hansen; Keith Land; Susan Hitchcock; Emily Howard
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam
Subject: RE: Limits

Dear David Watson:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: David W [mailto:charleneshubby@yahoo.com]
Sent: Wednesday, April 07, 2004 9:17 AM
To: John Beckman; Larry Hansen; Keith Land; Susan Hitchcock; Emily Howard
Subject: Limits

Please allow us the chance to vote on size limits. A moratorium until November is not too much to ask to allow ther voters a chance to decide. Otherwise, the big-boxes can just hurry through and become vested before anything we do takes affect.

I am not certain if I want size limits, but I know I want the chance to think about whether or not WalMart fits on this side of town. Please give us the opportunity to make a real decision.

Sincerely, David Watson

Do you Yahoo!?

Yahoo! Finance Tax Center - File online. File on time. <http://taxes.yahoo.com/filing.html>

Jennifer Perrin

From: Susan Blackston
Sent: Wednesday, April 07, 2004 9:05 AM
To: 'W Maxwell'
Cc: City Council; Dixon Flynn; Steve Schwabauer; Rad Bartlam
Subject: RE: City Council Re: Big Box Stores

Dear Mr. Maxwell:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for informational purposes:

1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Susan J. Blackston, City Clerk

-----Original Message-----

From: W Maxwell [mailto:bmaxwell3@comcast.net]
Sent: Thursday, April 08, 2004 9:10 AM
To: Susan Blackston
Subject: To: City Council Re: Big Box Stores

Dear City Council:

On the subject of big box stores and their impact on Lodi, I refer you to today's Stockton Record, pages A2 and B6. <http://www.recordnet.com>

As a downtown Lodi property owner, I ask that you impose a moratorium on further commercial development on the edges of the city, and that you restrict the size of future or remodeled retail outlets to under 50,000 square feet.

William Maxwell
Maxwell Properties

Jennifer Perrin

From: Jennifer Perrin
Sent: Tuesday, April 06, 2004 5:17 PM
To: 'miller'; Susan Hitchcock; Keith Land; Emily Howard; John Beckman; Larry Hansen
Cc: Jean Miller; Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam
Subject: RE: Concerned Citizen on Limiting Retail store size

Dear Jean M. Odell Miller:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: miller [mailto:jjrcm@inreach.com]
Sent: Tuesday, April 06, 2004 5:13 PM
To: Susan Hitchcock; Keith Land; Emily Howard; John Beckman; Larry Hansen
Cc: Jean Miller
Subject: RE: Concerned Citizen on Limiting Retail store size

As a concerned citizen I want you to hear my voice in regards to this item of size limits on your agenda for your meeting on Wednesday.

I am for the Walmart Super Center. It will be good for the economics of the city. The more Retail the city can attract the more sales tax revenue is generated. In the current situation that the City faces due to the contamination law suit which should have never even happened the city of Lodi should welcome more sales tax revenue. I know as a home owner that for many reasons rates are being raised and we the tax payers are paying for a mistake that happened years ago which should have not even been taken on by the city.

Walmart has been since it arrived in Lodi shunned by some. Many said that downtown would suffer. Well it appears that business in downtown is growing, and with the right types of business. No one really said a word when Target came to town. A supercenter will not only employ more workers but will assist the lower income Lodians whom have to shop and watch there pennies, plus it makes it easy for families, a one stop shopping opportunity. I welcome a SuperCenter, the only contingent with Walmart is that they must be responsible for filling the vacant Walmart in Sunwest Center immediately once the Super Center is complete. This is only fair since it is such a large space, again another

new business would bring in sales tax revenue which will help the city. With all of the Governor's cuts coming and even the idea that we as Lodians would vote yes on a quarter cent Sales tax increase is a big risk. We are already paying more for everything.

I know the Store Manger of Walmart personally and professionally. Our local Walmart does a tremendous in supporting so many broad community fund-raisers with volunteers and donations. I am proud to have Walmart as part of this community and we should bring in the supercenter!

Best Regards,,

Jean M. Odell Miller
1424 Claret Ct.
Lodi, CA 95242
Jean Miller
209-367-1792

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, April 07, 2004 8:41 AM
To: 'Ann'; Larry Hansen; John Beckman; Susan Hitchcock; Emily Howard; Keith Land
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam
Subject: RE: Not in favor of Walmart Superstore

Dear Ann Hughes :

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Ann [mailto:ahughes39f@comcast.net]
Sent: Tuesday, April 06, 2004 9:29 PM
To: Larry Hansen; John Beckman; Susan Hitchcock; Emily Howard; Keith Land
Subject: Not in favor of Walmart Superstore

I am one of the Lodi citizens that is not in favor of a Walmart Supercenter. I would like city council to consider the petition that Small City Preservation Committee is wanting to place on the November ballot. It would allow voters to decide on size limits. I am asking for a moratorium on big box expansions in the community until after a November vote. Thank you for listening.

Ann Hughes
821 So. Central Avenue
Lodi, CA. 95240

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, April 07, 2004 8:39 AM
To: 'Charles M Simpson'; Larry Hansen; John Beckman; Susan Hitchcock; Emily Howard; Keith Land
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam
Subject: RE: BIG BOX - NO, but thanks for asking

Dear Chuck Simpson:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Charles M Simpson [mailto:chasm123@sbcglobal.net]
Sent: Wednesday, April 07, 2004 7:12 AM
To: Larry Hansen; John Beckman; Susan Hitchcock; Emily Howard; Keith Land
Subject: BIG BOX - NO, but thanks for asking

Mayor Hansen & council members:

At BEST Wal Mart does a poor job in the present Lodi store. It is rarely neat & tidy (Lodi IS) and though the store manager says there are times when he could open more check stands (implying he has them and people to man them) he can't.. HOW WILL HE MAN EVEN MORE CHECK STANDS at the new store? The few times I have been in Wal Mart, they had unmanned check stands with long lines at the OPEN ONES. The store has been junky on more than one occasion. Do they deserve the opportunity to make a bigger mess and have MORE check stands open? WILL WE REALLY HAVE MORE TAXABLE DOLLARS????

I think NOT, we will just be moving dollars from others sources, plus with their LOWER prices (demanded from their sources) there would be less tax dollars, in Lodi's pockets.

Do we need to draw people away from the NEW grocery store being built by K MART? Give THEM a chance.

I hope OUR CITY COUNCIL will NOT be a part of the undoing of our city. America is due to have a McDonalds on one corner and a Wal Mart on the other in the future if we do not do our part. HOW SAD...

Thanks for listening,

Chuck Simpson
Pharmacist, Safeway

Hutchins Street Square Board Member

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, April 07, 2004 8:37 AM
To: 'Herbert Griess'; Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam
Subject: RE:

Dear Herbert and Nancy Griess:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Herbert Griess [mailto:HWGandNG@webtv.net]
Sent: Tuesday, April 06, 2004 7:12 PM
To: Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock
Subject:

This is to let you know that we are strongly in favor of a Wal-Mart Supercenter here in Lodi.

Thank you.
Herbert and Nancy Griess

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, April 07, 2004 8:36 AM
To: 'james smith'; Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam
Subject: RE: We need the Supercenter!

Dear Norma J. Smith:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: james smith [mailto:nsj62@inreach.com]
Sent: Tuesday, April 06, 2004 6:54 PM
To: Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock
Subject: We need the Supercenter!

WE NEED THE SUPERCENTER!!

As a resident and taxpayer of Lodi, I have been quite upset at the mindset against the "Supercenter" being constructed here in Lodi. We should be ashamed of ourselves when the added taxes which will be generated by this modern facility are needed so badly. Maybe more people are forgetting the mess that Lodi is in because of the mistakes made in the ground clean-up for downtown Lodi and we had better widen our vision and encourage the larger stores to be encouraged to come here. We need the taxes that will be generated by larger stores. As for the downtown business district, I would like to make a few comments. It seems that this development was brought about to the best interest of the same people who are against Wal-Mart's desire to increase their service to their consumers. As I read in the newspaper, even some of the merchants who struggle downtown, admit to the lack of parking for customers because lets face the facts, people do not want to find it necessary to park in the parking garage and then have to walk great distances to shop. I think the complaint now is that the people who work downtown take up the street parking and then shuffle spaces throughout the day.

I wish I could come to the Council Meeting but due to the lack of seating capacity, I could not stand for the hours required. I have lived where Supercenter Wal-Mart existed nicely with every other kind of store. People who want to shop at large stores will do so. If the trend continues here, Stockton will continue to benefit from our taxes as the roads become busier with the outflux of shoppers to probably the new stores being constructed at 8 Mile and I-5.

Sincerely,
Norma J. Smith

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, April 07, 2004 8:32 AM
To: 'Lynne Stone'; Larry Hansen
Cc: John Beckman; Emily Howard; Keith Land; Susan Hitchcock; Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam
Subject: RE: Walmart Supercenter

Dear Lynne Stone:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Lynne Stone [mailto:lston@earthlink.net]
Sent: Wednesday, April 07, 2004 2:28 AM
To: Larry Hansen
Cc: John Beckman; Emily Howard; Keith Land; Susan Hitchcock
Subject: Walmart Supercenter

This is a positive vote for the store. I will appreciate the low prices on my fixed income and my daughter will appreciate taking her three children in and out of her vehicle only once. We value our small town stores and will continue to support them as possible but at this point in our lives have other concerns. Don't drive us to Stockton or Kohls, please. Lynne Stone

Jennifer Perrin

From: Susan Blackston
Sent: Wednesday, April 07, 2004 7:55 AM
To: 'Dave'
Cc: City Council; Dixon Flynn; Steve Schwabauer; Rad Bartlam
Subject: RE: Wal-Mart Super Stores

Dear Mr. Sherman:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for informational purposes:

1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Susan J. Blackston, City Clerk

-----Original Message-----

From: Dave [mailto:daves@softcom.net]
Sent: Tuesday, April 06, 2004 11:42 PM
To: Susan Blackston; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen
Subject: Wal-Mart Super Stores

Dear City Council,

I was born in Lodi and until now have not written or complained about anything. I urge you to keep superstores out of our city. Yes, it will bring more low paid jobs to our community, on the other hand it will cause other business's that pay better wages to close their doors. One person loses their home and the next person barely makes a living where is the balance in that? Kettleman Lane is already a mess, I try to avoid all the stores near Lower Sac during rush hour and the holidays. I'll be taking my shopping completely out of Lodi if it becomes anymore congested (which it will). I enjoy shopping at Safeway, Food for Less and SMart. My greatest fear is that they will close those stores as they have done in other cities, then we won't have any choices.

Respectfully,
Dave Sherman
708 Reisling Ct.
Lodi, Ca. 95240

Jennifer Perrin

From: Susan Blackston
Sent: Tuesday, April 06, 2004 4:40 PM
To: 'Ralph Nevill'
Cc: City Council; Dixon Flynn; Rad Bartlam; Steve Schwabauer
Subject: RE: No to Wal-Mart Supercenter

Dear Mr. Nevill:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for informational purposes:

1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Susan J. Blackston, City Clerk

-----Original Message-----

From: Ralph Nevill [mailto:rneville@acrtinc.com]
Sent: Tuesday, April 06, 2004 4:19 PM
To: Susan Blackston; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen
Subject: No to Wal-Mart Supercenter

Dear Mayor and Council Members,

In my travels as a salesman, I have seen lots of Wal-Mart Supercenters and I believe that Lodi is ill suited for such a center. A Supercenter kitty-corner to the present Wal-Mart location will require massive upgrades to the roads at that part of town and will make traffic on Hwy 12 even more congested - can a 4-lane from I5 be far off if the Supercenter goes thru??

With the Supercenter can ugly sprawl that is Stockton be that far off??

Ralph Nevill, Ph.D., Certified Arborist
Regional Manager - Natural Resource Sciences
ph: 877-227-8978; fx 209-367-4194

Ralph Nevill, Ph.D., Certified Arborist
Regional Manager - Natural Resource Sciences
ph: 877-227-8978; fx 209-367-4194

Jennifer Perrin

From: Susan Blackston
Sent: Tuesday, April 06, 2004 4:14 PM
To: 'Karen Stephens'
Cc: City Council; Dixon Flynn; Rad Bartlam
Subject: RE: Proposed Wal Mart Supercenter

Dear Ms. Stephens:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for informational purposes:

1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Susan J. Blackston, City Clerk

-----Original Message-----

From: Karen Stephens [mailto:kamstephens@sbcglobal.net]
Sent: Tuesday, April 06, 2004 3:19 PM
To: Susan Blackston; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen
Subject: Proposed Wal Mart Supercenter

Members of the Council:

I am writing to register my deep concerns about the proposed Wal Mart Supercenter.

Unlike some of those in opposition, I am not opposed to all "big box" retailers in Lodi. I was *thrilled when we got Wal Mart and Target*. I was happy to see Lowe's get approval. I would welcome other large retail establishments such as Barnes and Noble or Gottschalks, so I would not support the 100,000 sq. ft. limitation. My concerns relate to the fate of Sunwest Plaza should the Supercenter be built.

My father-in-law lived in southern Oklahoma and we visited each summer. They, too, were thrilled to get a beautiful new Wal Mart store and adjacent strip mall with a nice grocery, smaller stores, restaurants, etc. Just a few short years later, however, Wal Mart built a Supercenter across the street, leaving their previous site vacant. *The next summer, the initial site and almost entire strip mall was empty. Year after year, the strip mall remained vacant and an eyesore. Is this what we want to happen to Sunwest Plaza????? I think not.*

Mr. Hansen, free enterprise is fine, but wise cities restrict such enterprise with zoning laws and proper planning so development benefits their city rather than harms it. To me, it is common sense to prevent a Supercenter when we already have a Wal Mart and the Supercenter would clearly cause blight and pose a threat to existing development. Just as an aside, I don't even see where the city would benefit additionally tax-wise, since all they are doing is adding groceries and they are non-taxable anyway.

Sincerely,

Karen Stephens
2217 St. Anton Drive
369-5789

Karen Stephens

RECEIVED

2004 APR -6 PM 3:41

PLEASE CONTACT THE COUNCIL AND LET THEM KNOW HOW YOU FEEL:

CITY CLERK
CITY OF LODI

Larry Hansen	333-6800 x9280	<u>hansen@lodi.gov</u>
John Beckman	333-6800 x9281	<u>beckman@lodi.gov</u>
Emily Howard	333-6800 x2913	<u>howard@lodi.gov</u>
Keith Land	333-6800 x2938	<u>land@lodi.gov</u>
Susan Hitchcock	333-6800 x2969	<u>hitchcock@lodi.gov</u>

Thank you for your support!

Mr Larry Hansen

*I believe a larger wall mount
and lower rate - is what Lodi needs
fore us low income senior citizens
would be great*

*Thanking you for your ear and
time*

CITY CLERK
CITY OF LODI

2004 APR -6 PM 3:41

RECEIVED

Drma Merrell

310 S Orange #41

3660466

Jennifer Perrin

From: Jennifer Perrin
Sent: Tuesday, April 06, 2004 1:05 PM
To: 'coopere@pacbell.net'; Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam
Subject: RE: WAL-MART SUPER STORE

Dear Edith Cooper:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: ELZA AL COOPER [mailto:coopere@pacbell.net]
Sent: Tuesday, April 06, 2004 8:19 AM
To: Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock
Subject: WAL-MART SUPER STORE

i am a native of Lodi. During my school years the population grew to be about 12,000. That was a small city. If the people hadn't bought so many houses here, it would still be a small town. Today there are 50 to 60,000 people living in this city. So why do we keep hearing 'keep the small city'?

I believe if Wal-Mart meets all the present requirements by the City of Lodi, they should be issued the permit to build their store. The City Council shouldn't control any business from coming to town if it meets the requirements. You are not here to necessarily "protect" other business. Competition is the name of the game.

Why should the money be spent on an election when the issue can be settled now. The voters who elected you to the City Council expected you were willing to make decisions, and not unnecessarily spend money that's urgently needed elsewhere.

Sincerely,

EDITH COOPER
747 Brandywine Drive
Lodi, CA 95240

PHone: 368-4427

Jennifer Perrin

From: Jennifer Perrin
Sent: Tuesday, April 06, 2004 11:24 AM
To: 'Glenda Rose'; Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam
Subject: RE: no retail store size limits

Dear Mr. & Mrs. Rose:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Glenda Rose [mailto:KATLOVR@peoplepc.com]
Sent: Tuesday, April 06, 2004 11:22 AM
To: Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock
Subject: no retail store size limits

We hope there will be **NO size limitations** on future retail stores. That's not a free world policy. It's more like the old Socialist Soviet Union rule setters.

This is the USA!

Thanks

The Roses

Jennifer Perrin

From: Jennifer Perrin
Sent: Tuesday, April 06, 2004 9:15 AM
To: 'Fay Baswell'; Larry Hansen
Cc: John Beckman; Emily Howard; Keith Land; Susan Hitchcock; Dixon Flynn; Janet Keeter; Steve Schwabauer; Susan Blackston; Rad Bartlam
Subject: RE: Wal-Mart

Dear Mr. & Mrs. James C. Baswell:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Fay Baswell [mailto:froggie@inreach.com]
Sent: Tuesday, April 06, 2004 7:49 AM
To: Larry Hansen
Cc: John Beckman; Emily Howard; Keith Land; Susan Hitchcock
Subject: Wal-Mart

We are in favor of the new Super Wal-Mart.

Mr. & Mrs. James C. Baswell
25 Riverbend Dr.
Lodi, Ca. 95242

Jennifer Perrin

From: Susan Blackston
Sent: Tuesday, April 06, 2004 8:32 AM
To: 'famoster'
Cc: City Council; Dixon Flynn; Rad Bartlam; Steve Schwabauer
Subject: RE: Wal Mart

Dear Mr. Oster:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for informational purposes:

1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Susan J. Blackston, City Clerk

-----Original Message-----

From: famoster [mailto:famoster@softcom.net]
Sent: Tuesday, April 06, 2004 7:52 AM
To: Susan Blackston; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen
Subject: Wal Mart

Sirs: As a Retired person, my wife and I shop where we can find the best price. We do not shop at small retail stores as there prices are more than we can afford. It appears that since the council does not want to vote on Wal Marts new store, that maybe we do not need a City Council at all. All hard decisions seem to go to the voters. It is time the that City Council do what they were elected to do, and not bow down to a few owners of stores that cannot handle competition.

Roger Oster